

**14-32. Administrative Enforcement: Agency Representation at Hearings (1200 TN 350 14-32)**

**1. AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended:

- a. To represent the Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and
- c. To initiate an administrative appeal from an administrative determination, and to represent the Agency in such appeals.

**2. TO WHOM DELEGATED.** Regional Counsel.

**3. LIMITATIONS.**

- a. This authority may only be exercised after the alleged violator files an answer, or fails to file an answer, within the appropriate timeframe.
- b. The delegatee must obtain the concurrence of the Director, Enforcement and Compliance Assurance Division (ECAD) or his/her designee prior to exercising the authorities in 1.b. and 1.c.

**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. ADDITIONAL REFERENCES.**

- a. All applicable Agency guidance and directives.
- b. Section 109 of CERCLA.
- c. CERCLA, Regional Delegation 14-31. Administrative Penalty Actions.

**14-32. Administrative Enforcement: Agency Representation at Hearings (continued)**

**6. SUPERSESSION.** Delegations Manual, CERCLA, Regional Delegation 14-32.  
Administrative Enforcement: Agency Representation at Hearings, 1200 TN RIII 132 (April 27, 1999).

Date: APR 15 2019

  
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Cosmo Servidio  
Regional Administrator